

1 Honorable _____
2
3
4
5
6
7

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 LARRY C. OCKLETREE, Individually,
9 Plaintiff,

10 v.
11

FRANCISCAN HEALTH SYSTEM, a
12 Washington Corporation, d/b/a/ ST. JOSEPH
HOSPITAL; and JOHN and JANE DOE(S) (1-
13 10),

14 Defendants.

NO.
NOTICE OF REMOVAL

15 TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
16 COURT FOR WESTERN WASHINGTON

17 AND TO: DWAYNE L. CHRISTOPHER, Attorney for Plaintiff

18
19 PLEASE TAKE NOTICE THAT Defendant FRANCISCAN HEALTH SYSTEM, a
20 Washington Corporation d/b/a ST. JOSEPH HOSPITAL, pursuant to 28 U. S. C. §§ 1331,
21 1367 and 1441(b) hereby give formal notice of removal of this action to the United States
22 District Court of Washington at Tacoma from Pierce County Superior Court. This removal of
23 this action is premised upon original jurisdiction. Defendant states the grounds for removal as
24 follows:

25
NOTICE OF REMOVAL - 1

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

1 1. Plaintiff Larry Ockletree filed his Complaint for Damages in the Superior Court
2 of the State of Washington for Pierce County on August 25, 2010. On September 22, Plaintiff
3 served a Summons and Complaint on Defendant Franciscan Health System, a Washington
4 Corporation d/b/a St. Joseph Hospital. The Complaint for Damages also names John and Jane
5 Doe(s) 1-10 who have not been served. Copies of all pleadings on file with the Pierce County
6 Superior Court are attached hereto as **Exhibit A**.

7 2. Removal is timely under 28 U.S.C. § 1446(b).

8 3. Defendant Franciscan Health System is represented by the undersigned counsel
9 at Williams Kastner & Gibbs, PLLC.

10 4. This Court has original jurisdiction over this action under 28 U.S.C. § 1331 as
11 Plaintiff alleges claims arising under the Constitution, treaties or laws of the United States,
12 including: The Americans with Disabilities Act, 42 U. S. C. § 12111 et. seq.; Title VII of the
13 Civil Rights Act of 1964, 42 U.S.C. § 2000e et. seq. and the Civil Rights Act of 1866, 42.
14 U.S.C. § 1981.

15 5. Pursuant to 28 U.S.C. § 1337 this Court has supplemental jurisdiction over the
16 state law claims alleged in Plaintiff's Complaint including all common law and public policy
17 causes of action pled in the Complaint.

18 6. This Court is the proper venue because it is in the district and division that
19 embraces the place where the state court action has been initiated under 28 U.S.C. § 1441(a).

20 7. Defendant hereby removes the case from Pierce County Superior Court to the
21 United States District Court for the Western District of Washington at Tacoma.

22 8. Promptly upon filing this Notice of Removal, Defendant will provide written
23 notice to the Plaintiff in accordance with 28 U.S.C. § 1446(c). Defendant will likewise file a
24 copy of the Notice of Removal with the Clerk of the Pierce County Superior Court.

25 9. By seeking removal, Defendant does not waive any defenses.

NOTICE OF REMOVAL - 2

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

3271413.1

10. Defendant reserves the right to amend or supplement this notice of removal.

Wherefore, having fulfilled the statutory requirements of removal of this action,

Defendant hereby removes this action.

DATED this 11th day of October, 2011.

s/ Sheryl J. Willert, WSBA #08617
Attorneys for Defendant FRANCISCAN
HEALTH SYSTEM
WILLIAMS, KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
Telephone: (206) 628-6600
Fax: (206) 628-6611
Email: swillert@williamskastner.com

NOTICE OF REMOVAL - 3

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600

CERTIFICATE OF SERVICE

The undersigned certifies under penalty of perjury under the laws of the State of Washington that on the date specified below, I filed the foregoing with the Clerk of the Court via electronic case filing and a true and correct copy of the foregoing via electronic mail and ABC Legal Messenger to counsel of record for Plaintiff Larry C. Ockletree at the following address:

Counsel for Plaintiff

ECF / Email

U.S. Mail

Legal Messenger

Facsimile

Dwayne L. Christopher, PLLC
Attorney at Law
4008 S Pine St
Tacoma, WA 98409
T: 253.223.9489
F: 253.566.0129
E: dwayne@dlclawgroup.com

DATED this 11th day of October, 2011.

s/Sheryl J. Willert, WSBA #08617
Attorneys for Defendant FRANCISCAN
HEALTH SYSTEM
WILLIAMS, KASTNER & GIBBS PLLC
601 Union Street, Suite 4100
Seattle, WA 98101-2380
Telephone: (206) 628-6600
Fax: (206) 628-6611
Email: swillert@williamskastner.com

NOTICE OF REMOVAL - 4

Williams, Kastner & Gibbs PLLC
601 Union Street, Suite 4100
Seattle, Washington 98101-2380
(206) 628-6600